

Message Text

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ACTION IO-13

INFO OCT-01 ADP-00 AF-10 ARA-11 EA-11 EUR-25 NEA-10 RSC-01

COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-09 H-02 INR-10

L-03 NSAE-00 NSC-10 PA-03 PRS-01 SS-14 USIA-12 ACDA-19

AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04 INT-08

JUSE-00 NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02 RSR-01

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TO SECSTATE WASHDC 7269

INFO AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY LIMA

AMEMBASSY BUENOS AIRES

AMEMBASSY QUITO

AMEMBASSY MONTEVIDEO

AMEMBASSY LAGOS

UNCLAS USUN 1148

E. O. 11652 N/A

TAGS: PBOR, UN

SUBJ: LOS SUBCOMMITTEE II WORKING GROUP, MARCH 30

1. SUMMARY: SUBCOMMITTEE II WORKING GROUP CONTINUED SUBSTANTIVE DEBATE LARGELY CONCENTRATED ON TERRITORIAL SEA WITH NIGERIA, NORWAY, FRANCE, UNITED KINGDOM, TURKEY URUGUAY, INDONESIA, GREECE, CYPRUS, PERU, SINGAPORE, ITALY, DENMARK, AND ARGENTINA MAKING INTEVENTIONS. NIGERIAN REP INDICATED FLEXIBILITY ON THEIR 30- MILE TERRITORIAL SEA AND UK REP ADDED STRONG SUPPORT TO US PROPOSALS.

2. NIGERIA: REP STATED THAT ANY ARRANGEMENT DIFFERENT FROM 30- MILE TERRITORIAL SEA IN THEIR INTERNAL LEGISLATION WHICH UNCLASSIFIED

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OFFERED CHANCE FOR GLOBAL AGREEMENT WOULD RECEIVE SERIOUS CONSIDERATION. HE COMMENTED THAT CONSENSUS APPEARED TO

BE EMERGING ON 12- MILE TERRITORIAL SEA PLUS EXCLUSIVE ECONOMIC ZONE OR PATRIMONIAL SEA BEYOND 12 MILES. IF CONSENSUS DEVELOPED ON 12- MILE TERRITORIAL SEA, NIGERIA WOULD PROPOSE 20- MILE CONTIGUOUS ZONE BEYOND 12 MILES. NIGERIA WAS ALSO INTERESTED IN PROTECTING VESTED RIGHTS UNDER CONTINENTAL SHELF CONVENTION. REP SUGGESTED THAT DISTANT WATER FISHING COULD BE PHASED- OUT AND JOINT FISHING VENTURES UNDER LICENSE COULD BE ARRANGED. IN GENERAL, NIGERIA SUPPORTED KENYAN POSITION INCLUDING THAT FOR GEOGRAPHICALLY DISADVANTAGED STATES. NIGERIA DEL NOTED PERSUASIVE ARGUMENTS BY PROPONENTS OF FREE TRANSIT AND BY PROPONENTS OF INNOCENT PASSAGE RE STRAITS. AT MOMENT, NIGERIA WAS INCLINED TOWARD INNOCENT PASSAGE IN ORDER NOT TO DEPRIVE COASTAL STATE OF RIGHTS IN TERRITORIAL SEA.

3. NORWAY. REP GENERALLY ENDORSED SANTO DOMINGO DECLARATION WHICH WAS AIMED AT ACCOMMODATION BETWEEN RESOURCE AND NAVIGATION RIGHTS, WHICH WAS CRUCIAL. NORWEGIAN DEL WAS OPEN- MINDED ON FISHERIES QUESTION BUT NOTED PROPOSALS BY CANADA, US, AUSTRALIA, AND NEW ZEALAND AS WELL AS ECONOMIC ZONE OF KENYA.

4. FRANCE: JEANNEL OBSERVED THAT NO ONE DISAGREED WITH EXERCISE OF SOVEREIGNTY WITHIN 12- MILE TERRITORIAL SEA (NOTE: US STRAITS PROPOSAL IS NOT IN ACCORD WITH THAT VIEW, BUT THIS SEEMED TO BE AN INADVERTANT OMISSION ON HIS PART). BEYOND 12 MILES REPT NOTED THERE WERE TWO APPROACHES: ONE WAS FOR COASTAL STATES TO HAVE SOVEREIGNTY IN EXTENSIVE AREA WITH EXCEPTION TO PROVIDE PROTECTION FOR INTERESTS OF OTHER STATES. OTHER VIEW WAS FOR REGIME OF HIGH SEAS TO PREVAIL BUT WITH LIMITATION IN FAVOR OF COASTAL STATE RESOURCE RIGHTS. JEANNEL SUGGESTED THAT DIVERGENT DOCTRINAL CONCEPTS WOULD NOT BE EASILY RESOLVED AND THAT IT WOULD BE BETTER TO PROCEED WITH WORK ON PRAGMATIC BASIS. HE SUGGESTED CONCRETELY DEFINING RIGHTS OF COASTAL STATES AS WELL AS THOSE TO BE RESERVED TO OTHER STATES.

5. UK. JACKLING INDICATED THAT BRIDGE BETWEEN RESPECTIVE RIGHTS AND INTERESTS MIGHT BE FOUND IN INTERNATIONAL STANDARDS AND PROCEDURES. THIS CONCEPT WAS APPLICABLE TO SUBJECTS
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SUCH AS STRAITS AND FISHERIES. UK WAS ATTRACTED TO US PROPOSAL LAST SUMMER REGARDING SAFETY AND POLLUTION STANDARDS AS WELL AS TRAFFIC SEPARATION SCHEMES FOR STRAITS. FREE TRANSIT THROUGH IMPORTANT INTERNATIONAL STRAITS WAS AN ESSENTIAL INTEREST NOT ONLY OF NATIONAL MARITIME STATES BUT ALSO OF INTERNATIONAL COMMUNITY. BRITISH HAD GREAT DIFFICULTY WITH UNEQUIVOCAL PATRIMONIAL SEA OR EXCLUSIVE ECONOMIC ZONE. SUCCESSFUL LAW OF THE SEA CONFERENCE WOULD HAVE TO ACCOMMODATE LONG USAGE OF LIVING RESOURCES AS WELL AS

SPECIAL INTEREST OF COASTAL STATES IN SUCH RESOURCES ADJACENT TO THEIR COASTS. REGIONAL COMMISSIONS COULD PLAY EFFECTIVE ROLE IN ACCOMMODATING COASTAL STATES AND OTHERS RIGHTS AND INTERESTS. EXCLUSIVE ECONOMIC ZONE FOR MINERAL RESOURCES WAS IN PRINCIPLE SIMILAR TO CONTINENTAL SHELF CONVENTION. HOWEVER, INTERESTS OF STATES WITH LITTLE OR NO ACCESS TO SIGNIFICANT CONTINENTAL MARGIN MIGHT REQUIRE SOME MODIFICATION OF THESE COASTAL STATE SOVEREIGN RIGHTS. MINERAL RESOURCES FROM 200 METER ISOBATH TO OUTER EDGE OF CONTINENTAL MARGIN SHOULD HAVE INTERNATIONAL STANDARDS. UK MIGHT MAKE REVENUES FROM THE RESOURCES DEVELOPED IN THIS AREA AVAILABLE PRIMARILY TO BENEFIT DEVELOPING COUNTRIES.

7. TURKEY, GREECE AND CYPRUS ENGAGED IN LONG WRANGLE CONCERNING DRAFT PROPOSALS EACH HAD SUBMITTED TO SUBCOMMITTEE II ON DELIMITATIONS OR BREADTH OF TERRITORIAL SEA. (WHILE NONE OF THE PARTIES SPECIFICALLY MENTIONED TROUBLESOME ISSUE, PROBLEM REVOLVED AROUND GREEK ISLANDS NEAR TURKEY AND EXTENT OF THEIR JURISDICTIONAL ENTITLEMENT TO SURROUNDING SEA AND SEABED AREAS.)

8. URUGUAY. REP REITERATED PURALITY OF REGIMES APPROACH WHEREIN FULL SOVEREIGNTY WOULD EXTEND OUT TO 12- MILES AND IN SECOND PART OF TERRITORIAL SEA, FROM 12 TO 200, COASTAL STATE WOULD CONTROL RESOURCES, SCIENTIFIC RESEARCH AND MARINE POLLUTION. HOWEVER, FREEDOM OF NAVIGATION AND OVERFLIGHT WOULD BE FULLY RECOGNIZED IN SECOND PART.

9. INDONESIA. REP RAISED PROCEDURAL POINT REGARDING CHAIRMAN'S REPORT TO SUBCOMMITTEE II. INDONESIAN REP WAS PARTICULARLY CONCERNED WITH STATING ACCURATELY THAT THEY HAD NO PROBLEM WITH 12- MILE TERRITORIAL SEA IF THERE WERE ACCEPTANCE OF THE ARCHIPELAGO PRINCIPLE. CHAIRMAN RESPONDED UNCLASSIFIED

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THAT REPORT WAS PROVISIONAL AND FUTURE ENDEAVORS WOULD TAKE ALL VIEWS INTO ACCOUNT.

10. PERU. ARIAS- SCHREIBER AGAIN ATTACKED " ABSTRACT" CONCEPT OF INTERNATIONAL COMMUNITY, ARGUING THAT RIGHTS AND INTERESTS OF INDIVIDUAL STATES, IN WHICH COASTAL STATES WERE MAJORITY, CONSTITUTED INTERNATIONAL COMMUNITY. (HIS MAIN CONCERN SEEMED TO BE THAT INTERESTS OF PERU WERE BEING JUXTAPOSITIONED AGAINST THIS ABSTRACTITN.)

11. SINGAPORE. JAYAKUMAR DISAGREED WITH PERUVIAN VIEW. SINGAPORE DID NOT WANT TO WAIT UNTIL STATE ENTITIES CEASED TO EXIST TO HAVE INTERESTS OF MANKIND, MENTIONED IN DECLARATION OF PRINCIPLES, BECOME A REALITY.

12. ITALY AND DENMARK. BOTH EXPRESSED INTEREST IN ISLANDS

DISCUSSION (SEE PARA 7, ABOVE), AND INDICATED THAT THEY
WOULD COMMENT LATER. ARGENTINA EXPRESSED APPRECIATION FOR
PERU' S SUPPORT ON CONTINENTAL SHELF RIGHTS BEYOND 200
MILES AND STRONGLY INDICATED THAT THIS WAS PREREQUISITE
FOR ANY INTERNATIONAL AGREEMENT.
SCHAUFLE

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